

1995

# Stephanie A. Curry v. University of Utah and the Utah Antidiscrimination Division of Utah: Petition for Rehearing

Utah Court of Appeals

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AUG 10 1995

August 7, 1995

COURT OF APPEALS

950299-CA

Case # 950299-ca-Stephanie A. Curry v. the University of Utah and the Utah Antidiscrimination Division of Utah. This is my Request for Rehearing regarding the State Court of Appeals decision to deny me my Writ of Review.

**UTAH COURT OF APPEALS  
BRIEF**

Dear State Court of Appeals,

This is my Request for Rehearing regarding your decision to deny me a Writ of Review. I filed one working day (not three working days. Two of those days were the weekend. Please note this fact.). late at your Court for several reasons, which I brought to your attention in my last Appeal letter to you. 950299

I will summarize in general what the several reasons were as to why I filed late at your Court. 1. Adell at the Industrial Commission misinformed me, either accidentally, or vindictively, that my Filing date was on the day that I filed at your Court, when I called her asking how many days until my deadline. I told you that I had problems with her in the past lying to me, and being hostile to me. I elaborated on some of her hostility in the past. I will discuss later that the reason why I had to call Adell in the first place is because I had misplaced the letter from the Industrial Commission telling me how many days I had and when I had to file, which I explained to Adell when I called her. My mental illness had played a big part in this mishap. My mental illness has caused me to be very disorganized and forgetful for the last two and a half years. 2. I was accidentally misinformed by an older lady at the State Court of Appeals that the first stage at the Court of Appeals was the second stage, which caused me to spend my time prior to my deadline, preparing for the second stage, which required much work and preparation. I had called this lady at the Court of Appeals, telling her that I wanted to know what the first stage was at the Court of Appeals, and how to do it, and I explained to her that I did not understand the directions in the Pro Se packet. She misunderstood me and thought I had already filed, and then told me that the first stage was the second stage. If this mishap would not have happened, I could have filed prior to my deadline, because I would not have needed all that time, which I mostly was taking to prepare for the second stage, which I had been accidentally misled to believe was the first stage. I will discuss later that I believe my mental illness played a part in me not being able to understand the Pro Se directions, along with their slight lack of clarity. 3. I had actually found out that my deadline was the day that it was, on my deadline date, but only later that afternoon. I then rushed to your Court but then I had some car trouble. I noticed a flat tire, and had to stop and change it, and by the time I finished, and got to your Court, your Court had closed. I later noticed that I actually had another flat. That, along with the fact that I have had numerous vandalism to my home

sad

over the last two and half years, which I have reported mostly to the police, makes me wonder if there was foul play involved. However, my mother and I were out just prior to that in my Jeep, going over rocks and possible glass. We had been searching in the mountains for a home to buy. I did call your office the next working day and tell them about the tire incident. 4. I have been suffering from severe mental illness for the last two and a half years due to everything that happened to me at my former place of work and due to everything related to that which has occurred since then. I have Dr.'s who can provide proof of this, and I have been on medicine for it, and I have personality tests to prove it, and I am on Social Security still. As a result of my still active mental illness, I am still having bouts of not being able to think and concentrate clearly, and I am still extremely lethargic, and I am still having memory problems, and still unable to function for the mostpart. I was recently put on a new medicine because of these mental illness symptoms I am still suffering from. I can't tell you enough how unstable my mental condition has been. It has been beyond my control, and is not my fault. I have been incompetent due to my mental illness. (All information about my Dr's., and medicine, etc., should be in my file that the Industrial Commission sent to you.).

As you can see, my mental illness played a part in not only my misplacing the letter from the Industrial Commission, but also a few other areas, such as my not being able to understand the Pro Se directions which led to me being misinformed by a lawclerk at your Court, and also my mental illness is partly why I was so slow in finishing what I turned in first on the day I filed at your Court, which was due to my being accidentally misinformed by an older lawclerk at your office that the second stage at your Court was the first stage.

In your last letter to me where you denied me my Writ of Review you claimed that you were denying me my Writ of Review because I had received the Industrial Commission letter stating the day of my deadline date to Appeal there decision to your Court. I respond to this by saying that it is true that I received the letter in the mail, however, I misplaced it, due to my mental illness. I looked for it all over, and that is why I called Adell asking her how many days I had to file at the Court of Appeals. It is very important that you know that I explained to Adell that I could not find the paper with that information on it when she told me that the information I was requesting was on the letter they had sent me. Adell told me that I had thirty days and that my deadline for filing was the Monday that I filed at your Court, which was one working day too late. Adell either accidentally or vindictively gave me a late date. Everything else that happened is explained in the above paragraph.

I ask you to please not hold me responsible for misplacing the Industrial Commission's letter that had my deadline to Appeal their decision to your Court, since my mental illness played a big part in why I misplaced it, and since I did attempt to find out prior to my deadline and was misinformed about my deadline by Adell, and due to all the circumstances described above, that occurred surrounding my filing late at your Court, and since I am protected due to

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numerous laws/rules which are designed to protect the mentally ill, and also since I am the victim here and my mental illness is not my fault, but due to everything that happened to me at my former place of work and everything related to that which has occurred since then. It is not my fault at all. It is there fault. And things have been out of my control. (Please save your sympathy for the victim, not the victimizers. I can't tell you how much I was egregiously abused at my former place of work and even since being constructively discharged. The evidence even suggests that I was almost raped and murdered. This has all been very traumatic for me.)

The law does state that all mentally ill should not be held to deadlines for filing, and the American Disability Act states that all disabled should be reasonably accommodated at places of employment and all service organizations, if they can do the work providing that they are reasonably accommodated. I do not think even the Courts are above this law because you are a service organization. I'd also like to state that you, above all, because you are a Court, have a duty to end discrimination against the mentally handicapped.

(What is reasonable accommodation?. I believe that when it comes to participating in the Stages at any Regulatory agency, the only way to be reasonable with a mentally ill person, is to not hold them to deadlines at all until they are over their mental illness. All the Industrial Commission did to me by giving me deadlines, was to exacerbate my condition, thereby delaying the healing process, and making it more difficult to meet my deadlines. They literally kept me sick with the way they handled my deadlines at the UADD. They were not being reasonable because they were not respecting my mental illness. What they should have done was allow me to submit what they wanted when I was ready. I could have done the work at the UADD that was necessary, many months prior to them deciding my case against my will, if they would have only reasonably accommodated me by giving me the time I needed to heal and recover stress free. And really, the only way to reasonably accommodate the mentally ill when it comes to deadlines, is to not hold them to deadlines. All the laws/principles/rules in effect in our society that protect the mentally ill, mimic this argument. Also, the deadlines that regulatory agencies have for normal people are usually never enough for the mentally ill because of the slowing down of their thinking and concentrating clearly, etc., due to their mental illness.) (I'd also like to note in regards to the above, that holding the mentally ill to deadlines, may just be a covert way of trying to screw employee's over with their cases. The less time they have to meet a deadline, the less time they have to prepare and get legal counsel, and protect themselves and their best interest.). (I'd also like to comment in regards to the above that everyone heals differently, and allot of what determines how quickly they heal, depends upon the severity and nature of the crimes committed against them. I was egregiously sexually harassed at my former place of work and suffered much National Origin Discrimination and Retaliation and Mental Handicap Discrimination, and even some Religious discrimination, and much mental and emotional abuse. There are several people involved in my case. The

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evidence actually suggests that I was almost raped and murdered. And since then, there have been numerous other civil crimes committed against me, related to this case, that have played a part in my still active mental illness.)

(And I believe it would be wrong for your Court, too, to hold me to deadlines, too, because of not only the reasons I argued in the above paragraph, but also because the mentally ill can often even lose or misplace, as was in my case in your Court concerning one reason why I filed late, or they can forget dates, or even misread dates, etc., all due to the symptoms of their illness. )

And there are numerous other rules which are designed to protect the mentally ill, which I would like to mention some of, because I am hoping that you will understand better mental illness, and why I should be excused due from filing late at your Court due to all the circumstances involved in why I filed late. For instance, the reason why the mentally ill qualify for Social Security is because they are so mentally ill that they can not function well enough to be able to work, or work with reasonable accommodation to their mental illness. Also, one of the reasons why people who are sexually harassed at work are protected, is because often the sexual harassment interferes with their work performance because they can't think and concentrate clearly due to the sexual harassment and the way it is effecting their mental condition. The employee's who are being sexually harassed often can't do the work right and make numerous errors because of their mental condition due to the sexual harassment, and the law does not hold them responsible under these special circumstances. (I'm sure there are many other rules/principles which protect the mentally ill. I just can't recall them right now. But they all work to imply the same thing. That a mentally ill person should be accommodated in all situations if they were mentally ill and if the mental illness played a part in why things happened.).

I believe that all of the laws/rules/principles that protect the mentally ill, all work to imply that the only way to be reasonable with a mentally ill person, when it comes to deadlines, is to not hold them to deadlines until their mental illness is over, and to give them the time they need, and to work with them always when their mental illness is involved, and to overlook accidents that occur, such as losing their deadline dates, misunderstanding rules, etc., if their mental illness played a part in why they did that.

And one of the laws that you must follow also generally demands that you be fair, and not harsh in making decisions like this. I think that you would be breaking this law, too, by not allowing me my Writ of Review due to all of the above described circumstances that surround my missing the deadline for filing, and due to all the laws/principles/rules that are there to protect me due to my mental illness. Any other decision would be extremely harsh considering the circumstances that were all beyond my control.

The facts are that I am not normal due to my still active severe mental illness, and because of that, and all of the other circumstances surrounding my filing late at your Court which were beyond my control, and also due to the fact that I am the victim

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here (Please save your sympathy for the victim), and due to tall the laws/principles/rules which are designed to protect the mentally ill, I should not be held to normal rules nor normal deadlines, and should be accommodated and excused from filing late at your Court, and I should not be held to any deadline, and you should instead work with me and respect my mental illness and the inevitable problems that it creates.

I would also like to comment before I conclude this letter, that I only filed one working day late, not three working days late. Two of those days were the weekend, Saturday and Sunday. I would appreciate that you please acknowledge this fact at all times in the future when you may elude to it. I also ask that you in your next response to this letter, please include signed affidavits from all members of your Court stating that there have been no cases which have been filed one working day late in your Court that have been excused without good reason, and without even investigating the reasoning behind why they were late. I suspect that you have excused day later's without good reason, and without even investigating the reasoning behind why they were late. A few of your workers did lead me to believe that with their statements in response to my being late, that there would be no problem arising from my being late. And, I hate to have to say this again, but it may be suspicious that all of a sudden, after first accepting what was required in the second stage at your Court, that you suddenly decide to not grant me my Writ of Review. I recall that just prior to that, I had a rift with the Governor's office and Professional Licensing Division at the Heber Wells Building. And I do have reason to believe that the rumors about blacklisting and blackballing is alive and doing well in the U.S.. (If you do not provide these affidavits, I will ask that this be looked upon suspiciously. The Courts should be held to affidavits, too.)

It is service regulatory agencies such as yours and the Industrial Commission, of all places, which are supposed to be there to end discrimination, and that should be understanding of the unique situation the mentally ill are in, and respectful and accommodating to them. Mental illness is beyond our control, as a result of the side effects of mental illness, errors and mistakes are inevitable, and normal functioning is impossible. Also, how can we expect employer's to start respect the mentally ill, if the Courts of all places don't. Nobody, not even the Courts, are above the law.

I'd also like to ask you before I conclude, to please save your sympathy for the victims. They did this to me. I did not do it to myself. Please don't victimize me all over again by denying me my Writ of Review, when it is simply my mental illness, which they caused, and which has been beyond my control which has caused me to be incompetent.

Thankyou for your patience and understanding.

*This is to confirm that a copy of this  
has been sent to the UAD's sac*

Sincerely,

Stephanie Curry.

*(my initials are on each page of this paper.)*

*SCC*